

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

**LEONARDO ESTEPAR, et als.,
Plaintiffs,**

v.

CIVIL CASE NO: 03-1538 (DRD)

**METROPOLITANO HOSPITAL, et als.,
Defendants.**

MOTION	ORDER
<p>Date Filed: 06/02/06 Docket #68 <input type="checkbox"/> Plaintiff <input checked="" type="checkbox"/> Defendant Title: Motion Requesting Time Extension for Expert's Initial Disclosures Under Rule 26(a)(2)</p>	<p>DENIED. At the Limited Initial Scheduling and Case Management Conference the parties were provided with the case management schedule. Co-defendant, Metrohealth, Inc., d/b/a Hospital Metropolitano was duly represented by counsel during said conference and objections to the deadlines provided were never raised hence they were waived. Hospital Metropolitano's grounds not to provide its expert's initial disclosures because it "will not know whether it will need to retain its own expert until co-defendant Dr. Pacheco's expert renders her report" are deemed by the Court as an unnecessary stalling of the proceedings. Hospital Metropolitano had its opportunity to express itself then. Rather, they chose to remain silent.</p> <p>At the outset, the Court notes that the parties were duly forewarned that the deadlines provided by the Court were final and that discovery was to proceed in expedited fashion because the Court was not to report this case in September 2006. Further, Hospital Metropolitano's request to amend the scheduling order fails to comply with the requisites set forth in <i>O'Connell v. Hyatt Hotels of Puerto Rico</i>, 357 F.3d 152 (1st Cir. 2004)(good cause and certify the diligence incurred in its efforts to comply).</p> <p>Hospital Metropolitano is ORDERED to provide its expert's initial disclosures on or before June 26, 2006, and shall meet the deadline of July 3, 2006 to provide its expert report as scheduled in the case management order, the risk for non-compliance shall be elimination of the expert.</p>

<p>Date Filed: 06/06/06 Docket #69 <input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant Title: Urgent Motion for Sanctions</p>	<p>DENIED/MOOT. Counsel for co-defendant Pediatric Emergency Services, Inc. (PESI) submit that PESI's failure to include payment of the accrued interest with the payment for expert's fees was the result of counsel's inadvertent error to request its client to include with said payment the corresponding accrued interest amount. Further, counsel for PESI moves the Court not to impose sanctions upon PESI and to grant a term of five (5) days to provide said payment once counsel for plaintiff informs the amount due. The Court has showed its leniency towards PESI for the second time however, should PESI fail to timely pay plaintiff the interest accrued within five (5) days from the date plaintiff's counsel notifies the amount of legal interest owed, the Court shall, amongst potential sanctions, strike from the record PESI's allegations and defenses as previously forewarned at Docket No. 66.</p>
<p>Date Filed: 06/06/06 Docket #71 <input type="checkbox"/> Plaintiff <input checked="" type="checkbox"/> Defendant Title: Motion Requesting Leave to Withdraw as counsel of Record</p>	<p>DENIED. Counsel's motion requesting withdrawal should have been filed on or before June 1, 2006, as provided at Docket No. 66 hence the instant motion is deemed untimely. Further, the case is at a critical stage of the proceedings reason for the Court deny the instant request. Counsel is reminded that once in the case, the Court decides to grant leave to withdraw. See Local Civil Rule 83.4. The Court deems that the expedited fashion in which discovery must be conducted precludes, in the best interests of justice, appearance of a new counsel of record for PESI, unless new legal counsel certifies that he shall comply.</p>

IT IS SO ORDERED.

In San Juan, Puerto Rico this 21st day of June 2006.

S/DANIEL R. DOMINGUEZ
DANIEL R. DOMINGUEZ
U.S. DISTRICT JUDGE